

Attachment One

THE SPECIAL COMMITTEE FOR
THE FIFTH CIRCUIT JUDICIAL COUNCIL

IN RE: . DOCKET NUMBER
COMPLAINT OF JUDICIAL . 07-05-351-0085
MISCONDUCT AGAINST .
UNITED STATES DISTRICT JUDGE . NEW ORLEANS, LOUISIANA
G. THOMAS PORTEOUS, JR., . OCTOBER 29, 2007
EASTERN DISTRICT OF LOUISIANA. 10:00 A.M
.

TRANSCRIPT OF PROCEEDINGS HAD BEFORE
EDITH H. JONES, CHIEF JUDGE, US COURT OF APPEALS, FIFTH CIRCUIT;
FORTUNATO BENAVIDES, US CIRCUIT JUDGE;
AND SIM LAKE, US DISTRICT JUDGE

VOLUME 1 OF 2

A P P E A R A N C E S:

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FOR JUDGE G. THOMAS PORTEOUS, JR:

Judge G. Thomas Porteous, Jr.
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1 A P P E A R A N C E S: (Continued)

2 ALSO APPEARING:

3 Patrick Fanning for Joseph M. Mole
4 Ralph Capitelli for Robert Creely and Jacob Amato
5 Jerome Winsberg for Claude Lightfoot, Jr.

6 OFFICIAL COURT REPORTER:

7 Cheryll K. Barron, CSR, CM, FCRR
8 U.S. District Court
9 515 Rusk Street
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11 Houston, Texas 77002
12 713-250-5585

13 ALSO PRESENT:

14 Pam Wood
15 Jerry Fink
16 Peter Ainsworth
17 Dan Petalas
18 Wayne Horner
19 Julie Mandelsohn

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Cheryll K. Barron, CSR, CM, FCRR

713.250.5585

10:01

1 CHIEF JUDGE JONES: Sir, for the reasons stated --
2 Mr. Woods?

10:02

3 MR. WOODS: Yes, your Honor. To respond to
4 Judge Porteous, beginning in August, we invited his counsel to
5 come and inspect all the documents that we had, which were in
6 boxes that had been received from the Department of Justice.
7 His counsel at the time, Mike Ellis, said that he did not
8 intend to offer any documents, he did not need to review the
9 documents, he was only going to offer the medical records.

10:02

10 Nonetheless, I started sending him grand jury
11 testimony and the bankruptcy file and a number of other
12 voluminous files back in August, that he could begin to review.
13 And then in September and October, we provided documents
14 unsolicited but to try to give him all the documents in the
15 case.

10:02

16 The charge itself is very detailed. He knows the
17 allegations and the -- it could not be more specific, naming
18 what the offense is, what -- the date of the offense, what
19 document was falsified, what witness will testify to certain
20 events. He's been on notice since May the 24th of very
21 specific allegations, and we've offered the documents as soon
22 as we got them from the Department of Justice.

10:03

23 JUDGE BENAVIDES: Mr. Woods, you refer to the May 24th
24 date. Is that a date that the complaint was forwarded to Judge
25 Porteous?

10:03

10:03

1 MR. WOODS: Yes, your Honor.

2 JUDGE BENAVIDES: And that complaint, as I understand
3 it, referred to the activities and details of the activities
4 that were subsequently the basis of the complaint?

10:03

5 MR. WOODS: That's correct, your Honor.

6 JUDGE BENAVIDES: So, the factual allegations have
7 been made known with reference to the complaint since at least
8 May the 24th?

10:03

9 MR. WOODS: Yes, your Honor. And Judge Porteous was
10 under criminal investigation by the Department of Justice, as
11 he pointed out, for a number of years. His attorney at that
12 time, Kyle Schonekas, appeared to be very much on top of the
13 case, appeared at grand jury, and instructed various witness --
14 well, one witness, Claude Lightfoot, Judge Porteous' bankruptcy
15 counsel, not to answer certain questions. So, he was on top of
16 the investigation, knew the allegations, and I'm sure kept this
17 counsel of Judge Porteous advised.

10:04

18 JUDGE BENAVIDES: Is there anything with -- in
19 reference to the actual complaint that was tendered later, that
20 wasn't the subject of -- or already information contained in
21 the complaint from the Justice Department of May 24?

10:04

22 MR. WOODS: No, your Honor. We developed no new
23 evidence other than to try to confirm everything in the
24 complaint. I would point out that Judge Porteous was examined
25 by Dr. Gabbard, and that report was furnished to Gabbard as

10:04

10:04

1 soon as we -- was furnished to Judge Porteous as soon as we
2 received it. So, that is the only new information that comes
3 outside of that period of time alleged in the complaint.

4 JUDGE PORTEOUS: Might I just make one quick response?

10:05

5 CHIEF JUDGE JONES: Yes, sir.

6 JUDGE PORTEOUS: This originally started out pursuant
7 to documentation I received from you, as a complaint instituted
8 by the Court for justice, when I called issue with the fact
9 that it did not meet the proper format. At a later date, I was
10 informed that this is a 2J proceeding instituted by the chief
11 judge.

10:05

12 CHIEF JUDGE JONES: Yes, sir.

13 JUDGE PORTEOUS: I still don't have anything signed by
14 the chief judge. The complaint I received is signed by
15 Mr. Woods; and it says, "on behalf of the Committee." I just
16 got that.

10:05

17 Now, granted, it does have some of the material
18 from the original allegations; but some are, in fact, omitted,
19 which can only suggest that those items clearly did not
20 establish any proof of a crime or that they were too old to
21 bring or that it had nothing to do with my actions as a federal
22 judge. And I'm speaking with particular reference to nothing
23 about bail bonds and Wrinkled Robe is in any way included in
24 this particular proceeding.

10:05

10:06

25 CHIEF JUDGE JONES: What has all that got to do with a

10:36

1 to at least get my thoughts together before I am compelled to
2 testify. Mr. Woods had that immunity notice; and I just saw it
3 today, just saw it for the first time today.

4 MR. WOODS: It was provided on Friday, your Honor.

10:36

5 JUDGE PORTEOUS: Yeah, on Friday. I understand. No.
6 The log was provided on Friday.

7 MR. WOODS: Right.

8 JUDGE PORTEOUS: The document was not provided on
9 Friday, and you know that.

10:37

10 MR. WOODS: That's correct.

11 CHIEF JUDGE JONES: All right, sir. We're not going
12 to go crosswise with each other. Thank you very much.

13 JUDGE PORTEOUS: I'm sorry, Judge.

14 CHIEF JUDGE JONES: Mr. Finder will to respond.

10:37

15 MR. FINDER: Yes, thank you, Judge. Under the rules
16 under which we're operating, Rule 10C, Special Committee
17 Witness.

18 CHIEF JUDGE JONES: You want to speak up there?

19 MR. FINDER: Yeah, I'm sorry. I'll use the podium.

10:37

20 Is this better?

21 CHIEF JUDGE JONES: Yes.

22 MR. FINDER: "All persons who are believed to have
23 substantial information will be called as Special Committee
24 witnesses, including the complainant and the subject judge."

10:37

25 So, I think that there is no surprise here. It's

10:37

1 in the rules, which were provided a long, long time ago.

2 JUDGE PORTEOUS: I don't doubt that that's what the
3 rules say, your Honor. I'm not taking issue with that. I'm
4 taking issue with the fact that it's the first time I've been
5 given immunity, without ever seeing the document.

10:37

6 CHIEF JUDGE JONES: Well, with --

7 JUDGE PORTEOUS: I'm only asking for the rest of the
8 day.

9 CHIEF JUDGE JONES: -- immunity is better than non
10 immunity, sir. Continuance is denied. You may take the stand.

10:38

11 JUDGE PORTEOUS: All right.

12 CHIEF JUDGE JONES: Thank you.

13 JUDGE LAKE: Raise your right hand to be sworn.

14 You do solemnly swear that the testimony you
15 shall give in this proceeding will be the truth, the whole
16 truth, and nothing but the truth, so help you God?

10:38

17 JUDGE PORTEOUS: I do.

18 **GABRIEL THOMAS PORTEOUS, JR., DULY SWORN, TESTIFIED:**

19 **DIRECT EXAMINATION**

10:38

20 BY MR. FINDER:

21 Q. Judge Porteous, a little background information, please.

22 You were a judge in the 24th Judicial District
23 Court in the State of Louisiana from approximately 1984 to
24 October 1994. Is that correct?

10:38

25 A. That's correct.

11:19

1 BY MR. FINDER:

2 Q. So, what -- the amounts I just read to you apply to today.
3 When you first took the bench, presumably they were slightly
4 lower?

11:19

5 A. Presumably, yes.

6 Q. Okay. And these have to do with income and gifts?

7 A. Right.

8 Q. As I just read?

9 A. Yes, sir.

11:20

10 Q. Judge Porteous, you're familiar with the term "marker,"
11 aren't you?

12 A. Yes, sir.

11:20

13 Q. Would it be fair to state that, "A marker is a form of
14 credit extended by a gambling establishment, such as a casino,
15 that enables the customer to borrow money from the casino. The
16 marker acts as the customer's check or draft to be drawn upon
17 the customer's account at a financial institution. Should the
18 customer not repay his or her debt to the casino, the marker
19 authorizes the casino to present it to the financial
20 institution or bank for negotiation and draw upon the
21 customer's bank account any unpaid balance after a fixed period
22 of time." Is that accurate?

11:20

23 A. I believe that's correct and probably was contained in the
24 complaint or -- or the second complaint. There's a definition
25 contained.

11:20

11:20

1 Q. And you have no quarrel with the definition?

2 A. No, sir.

11:21

3 Q. Okay. Judge Porteous, if markers are a form of borrowing
4 or an extension of credit, by definition, would you agree that
5 from approximately August 20th to 21st, a two day period in
6 2001, you borrowed approximately \$8,000 from Treasure Chest
7 Casino in Kenner, Louisiana, by taking out approximately eight
8 1,000-dollar markers over a two day period?

11:21

9 A. Well, did I sign \$8,000 worth of markers? You have records
10 that suggest I did that. I agree with you.

11 Q. Okay.

11:21

12 A. The issue is that we haven't -- I have an issue with
13 whether that's credit. The statement itself says it acts like
14 a check against your account. Now, I did not have an
15 8,000-dollar line of credit at -- where was that? Treasure
16 Chest?

17 Q. Treasure Chest. I didn't ask you about a line of credit,
18 though.

11:21

19 A. I understand, but I'm explaining to you why that's
20 misrepresentative.

21 Q. Okay. Well --

22 A. Those are just repetitive 1,000 -- had I written a check
23 for a thousand, I do not believe I would have been in violation
24 of any court order.

11:22

25 JUDGE BENAVIDES: But you're saying that you didn't